

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA**

JONATHAN R., *et al.*,

*Plaintiffs,*

v.

PATRICK MORRISEY, *et al.*,

*Defendants.*

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Case No. 3:19-cv-00710

**DEFENDANTS’ NOTICE OF CONDITIONAL CROSS-APPEAL**

Under Federal Rule of Civil Procedure 4(a)(3), notice is hereby given that Defendants Patrick Morrisey, in his official capacity as Governor of West Virginia; Alex Mayer, in his official capacity as Secretary of the West Virginia Department of Human Services; Lori Bragg, in her official capacity as Interim Commissioner of the Bureau for Social Services;<sup>1</sup> and the West Virginia Department of Health and Human Resources<sup>2</sup> (collectively “Defendants”) in the above-captioned case conditionally cross-appeal to the United States Court of Appeals for the Fourth Circuit from the District Court’s Memorandum Opinion and Order on Class Certification entered

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<sup>1</sup> Under Federal Rule of Civil Procedure 25(d), Lori Bragg is automatically substituted as the successor to Linda Watts and, later, Jeffrey Pack. Cammie Chapman, who replaced Jeremiah Samples as Deputy Secretary of the Department of Health and Human Resources, has departed the agency but not yet been replaced.

<sup>2</sup> Plaintiffs sued the “West Virginia Department of Health and Human Resources.” However, the West Virginia Department of Health and Human Resources no longer exists. In 2023, the West Virginia Department of Health and Human Resources was divided into three new agencies, one of which is West Virginia Department of Human Services. The West Virginia Department of Human Services now operates the State’s programs at issue in this case. *See* ECF No. 665, at 2 n.2.

on August 17, 2023, ECF No. 351, which is incorporated into the final judgment entered on February 28, 2025. *See* ECF No. 666. Defendants request that the conditional cross-appeal be resolved only if the Fourth Circuit reverses or otherwise vacates in whole or in part the District Court's final judgment from which Plaintiffs appeal. ECF Nos. 665, 666.

Respectfully submitted,

/s/ Philip J. Peisch

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March 12, 2025

**CERTIFICATE OF SERVICE**

I, Philip J. Peisch, hereby certify that I caused a true and correct copy of the foregoing

Notice of Conditional Cross-Appeal to be delivered to the following via ECF notification:

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March 12, 2025

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